

The claimant appeared by her attorney, Kendra L. Walker, of Kansas City, Kansas. The respondent and insurance carrier appeared by their attorney, Eric T. Lanham, of Kansas City, Kansas. There were no other appearances.

**RECORD**

The documents filed of record with the Division of Workers Compensation in this docketed matter, including the transcript of preliminary hearing before Administrative Law Judge Alvin E. Witwer dated November 12, 1993, and the exhibits attached thereto.

**ISSUES**

- (1) Whether claimant met with a compensable injury to her low back and right lower extremity arising out of and in the course of her employment with respondent on March 2, 1993.
- (2) Is claimant entitled to additional medical treatment and additional temporary total disability at the expense of the respondent for the injury to her low back and right lower extremity?

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon a review of the entire record and for the purposes of preliminary hearing, the Appeals Board finds:

- (1) Claimant met with accidental injury on May 2, 1993, arising out of and in the course of her employment as a school bus driver, when she slipped and fell fracturing her ankle and injuring her low back and right lower extremity.

Whether an accident arises out of and in the course of the workman's employment depends upon the facts peculiar to the particular case. Messenger v. Sage Drilling Co., 9 Kan. App. 2d 435, 438, 680 P.2d 556 (1984).

- (2) The Appeals Board finds that, as the accident to claimant's low back and right lower extremity did arise out of and in the course of her employment with the respondent, claimant is entitled to additional medical treatment at the expense of the respondent for this low back and right lower extremity injury and is further entitled to additional temporary total disability compensation.

**AWARD**

**WHEREFORE**, it is the finding, decision and order of the Appeals Board that the Order of Administrative Law Judge Alvin E. Witwer dated November 19, 1993, remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of February, 1994.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

cc: Kendra L. Walker, 330 Brotherhood Building, Kansas City, Kansas 66101  
Eric T. Lanham, P.O. Box 1300, Kansas City, Kansas 66117  
Alvin E. Witwer, Administrative Law Judge  
George Gomez, Director